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C O N F I D E N T I A L SECTION 01 OF 02 KABUL 003874

SIPDIS

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SUBJECT: ELECTORAL FRAUD --"IS ANYONE LISTENING OUT THERE?"

REF: KABUL 03595

Classified By: Acting PolCounselor Victoria Alvarado for reasons 1.4 (b) and (d).

¶1. (C) SUMMARY: The inability of a Provincial Council candidate to obtain redress for his allegations of voting fraud highlights the breakdown of Afghan electoral watchdogs and the absence of any backup mechanism to right these wrongs. Recently, Eqbal Safi, an MP representing Kapisa Province, recounted the extraordinary difficulty one of his constituents experienced in his efforts to convince the Election Complaints Commission (ECC) to investigate allegations of fraud committed during Afghanistan's August 20, 2009, Provincial Council elections. The inability of the Kapisa Provincial Council candidate to obtain a hearing illustrates the lassitude with which Afghanistan's electoral bodies monitor elections and present a convincing argument for delaying Afghanistan's next round of elections until adequate measures to forestall fraud, such as an effective voter registration process, are put in place. END SUMMARY.

Obtaining Redress for Voter Fraud - A Bridge too Far?

¶2. (C) In his December 2 meeting with MP Safi (Kapisa Province), PolOff learned of the travails of one of Safi's constituents, who reportedly unsuccessfully campaigned for election to Kapisa's Provincial Council (PC). Safi explained that the unsuccessful PC candidate and his supporters approached him on November 28 while he was receiving constituents in Kapisa. The candidate told him he and his supporters had observed fraud perpetrated by other candidates at Kapisa polling sites. At the end of Election Day, the preliminary readout indicated the candidate in question had received no votes. The candidate and his supporters planned to file a complaint with the ECC to overturn the alleged fraud.

¶3. (C) The candidate and his supporters described to Safi how they had complied with guidelines for reporting allegations of fraud to the ECC and had presented their complaint, along with a statement from a local polling station election official certifying that the candidate had received a certain number of votes (he reportedly indicated the count was close to a thousand votes) to the provincial ECC official. The candidate and his supporters also told Safi they had a voice recording of the provincial ECC official saying that the evidence of fraud was so compelling that the ECC would have no choice but to act on their claim. Believing that the wrong inflicted on their candidate would be righted, they then awaited ECC action.

The IEC Speaks, but Says Nothing

¶4. (C) Then, on November 24, the IEC announced that all

claims of improper voting activities for Kapisa Province had been investigated and it had certified the vote tallies for the province -- including the vote tally of zero votes for Safi's constituent. Upon learning the ECC had apparently not acted on his complaint, the candidate determined to investigate for himself. He first went to the ECC headquarters in Kabul to inquire about his complaint. He was told that the ECC's work investigating voting irregularities was completed, and therefore, the ECC would not consider any additional complaints. The candidate replied that he had filed his complaint in August, but he was again told that the ECC's work was complete and nothing could be done for him.

15. (C) Incensed, the candidate and his supporters blocked traffic at the ECC building in Kabul until ECC Commissioner Mawlawi Ahmadzai came out and met with them. They persuaded Ahmadzai something was amiss and he agreed to help them. Ahmadzai accompanied the group to the warehouse where ECC evidence was stored. Upon examination, they discovered that the candidate's evidence had not been archived, and therefore, never examined by ECC personnel. Distressed by the absence of the complaint package in the archives, the group continued its search and subsequently found the material, its original packaging untouched, stuffed in a drawer at the ECC warehouse.

"Not My Job." "Nope, Not Mine Either"

16. (C) ECC Commissioner Ahmadzai told the candidate that, despite the ECC's obvious failure to investigate his case,

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the ECC wasn't able to pursue his case, advising him to seek help from the Independent Elections Commission (IEC). After explaining his claim to IEC staff, the candidate was informed that the IEC was unable to act on his complaint and suggested he file a complaint with the Supreme Court. Again, at the Supreme Court, he was turned away because the Supreme Court only considers cases referred by the Attorney General. Accordingly, he was advised to take his complaint to the Attorney General's office and request they investigate his claim. If the complaint had merit, the Attorney General could refer the case to the Supreme Court. Exhausted and defeated, the candidate sought help from Eqbal Safi. Safi told PolOff that he asked his constituent to accompany him to Parliament on December 3 and to present his case to Parliament's Complaints Committee. Safi's said he hoped the Committee will request the ECC, the IEC, and the Supreme Court to consider the case and perhaps act on his constituent's complaint. However, the Complaints Committee holds no statutory authority over any of these bodies and can only request their assistance.

17. (C) COMMENT: This politician's experience puts a human face on a fundamental failure of Afghanistan's electoral bodies. As we witnessed in the Presidential election, when presented with allegations of fraud, each electoral agency was inclined to deflect responsibility on its counterpart, pleading its own inability to act. This candidate's experience also demonstrates that, beyond the ECC's and IEC's reluctance or unwillingness to address these allegations of fraud, candidates have no other avenue to seek redress for their allegations. The inability of the Kapisa Provincial Council candidate to obtain a hearing illustrates the lassitude with which Afghanistan's electoral bodies monitor elections, and presents a convincing argument for delaying Afghanistan's next round of elections until adequate measures to forestall fraud, such as an effective voter registration process, are put in place. END COMMENT.
MUSSOMELI